

Abstract of reference). Tracy's retention relies upon the lateral friction of a compression plug within the tubular cord. The teaching of this reference is quite limited and specific since it is obvious that a thin walled stretchable tubular cord cannot resist high levels of tension, so the retaining effect of the retaining means need only be effective so long as the tension is not sufficient to break the tube or hook. Breakage of the tube is clearly anticipated, as made clear in the specification, for example, at col. 2, lines 12, etc.

The gist of the Tracy reference is not to improve retention of the tubular cord, since the cord is liable to break rapidly once subjected to high tension. Rather, it is to improve the resistance to abrasion and the frictional grip of the cord so as to prevent deformation of the hook. The retaining effect in Tracy is limited to a combination of a compression fitting and the fusing of materials, so that there is simply no need whatsoever or even desirability of a stop abutment as claimed.

In order to emphasize the distinction between the Tracy reference and claim 12, claim has been amended to specify that a solid cable slidably rests in the end block passage. This claim language makes it clear that the slidability of the cable exists after assembly of the device. This is quite different from Tracy, wherein the tubular cord is fixed within its receiving passage after insertion of the compression plug. To meet the claim recitation of the passage of claim 12, the Examiner relies upon Einhorn to modify Tracy. However, the combination is totally unobvious. In Einhorn, solid cable retention is made possible due to the presence of knot 35. The knotted end of the Einhorn cable remains movable within the receiving passage and this is totally different from the strict retention of the Tracy tubular cord by a compressive plug. Therefore, the substitution of Einhorn's passage as well as use of a solid cable is totally contrary to the intended structure and design of Tracy.

In the rejection of claim 12, the Examiner further relies upon the crimp clip of Lacore et al. The Einhorn reference satisfactorily relies upon the knot 35 as a means for terminating the cable 33. The Einhorn design specifies the use of a simple overhand knot that is entirely received within a body portion 30 (see col. 3, lines 63-64). Accordingly,

the modification of Einhorn with a folded crimp end is neither suggested nor taught by the reference.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracy in view of Einhorn and Lacore et al., and further in view of Chou. It is interesting to note that for an extremely simple hook instruction as set forth in the claimed invention, the Examiner must combine bits and pieces of four references. The rejection of claim 3 requires the combination of three references. It should be evident that the combination of a large number of references for a simple structure is indicative of patentability.

In rejecting claim 6, the Examiner relies upon the smooth rounded straight edges of a rope fastener. In an effort to distinguish this aspect of the present invention, the inlet duct has been incorporated into independent claim 12 and is specified as having outer circular end that is outwardly flared so as to avoid a sharp edge from contacting the cable. This avoids the rounded straight edges of Chou. However, Applicant recognizes that the Lacore et al. reference (Figs. 2a and 2b) includes a flare and 9, which is comparable to the corresponding structure in claim 12. However, the combination of Tracy and Lacore et al. is not obvious for the reasons previously discussed, namely the retention system of Tracy is completely different from that of Lacore et al. and a smooth rounded inlet is not required or anticipated by Tracy.

In the rejection of claim 9, the Examiner relies upon the combination of Tracy in view of Einhorn and Lacore et al., and further in view of De Anfrasio (U.S. Pat. No. 5,638,584). Once again, the Examiner must combine four references in an attempt to meet the simple patentability distinctive claimed invention of Fig. 9. It should be noted that the combination of De Anfrasio and Tracy is quite unlikely, since it would hardly be obvious to substitute the eyelet and hook combination of De Anfrasio for the compression plug of a tubular cord as taught by Tracy. This would require a complete redesign of Tracy that is neither taught nor suggested by either reference.

In summary, it is Applicants contention that the Examiner's rejection of the claims under 35 U.S.C. § 103 is untenable.

"Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field."

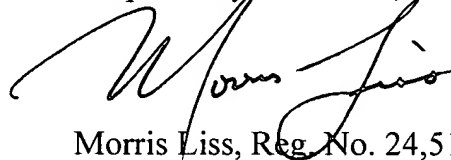
In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). [The Examiner] 'cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.' *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1780, 1783 (Fed. Cir. 1988)." *Ecolochem, Inc. v. Southern California Edison Company*, (CAFC 2000).

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

Respectfully submitted,



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MARKED-UP REVISIONS

IN THE CLAIMS:

12. (Amended) A hook for a cable comprising:
a finger grip end block having a passage formed therethrough;
[the] a solid cable slidably [received] resting in the passage, the cable having a folded end secured by a crimped clip;
the passage having [an] a circular inlet duct through which a straightened cable section passes;
the passage further having an outlet duct, larger than the inlet duct and receiving the folded cable end;
an outer circular end of the inlet duct being outwardly flared to avoid a sharp edge from contacting the cable;
[the] a junction between the inlet and outlet ducts forming a shoulder serving as a stop abutment for the folded cable end when the cable is placed in tension;
a rigid flat wire having an inverted J-shaped first end section facing the outlet duct, the inverted J-shaped first end section serving as a hook member; and
the flat wire having an opposite end section bent into a ring embedded in the finger grip block, around the stop abutment, and located in a plane generally perpendicular to the J-shaped first end section, the ring serving to reinforce the finger grip end block.